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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,606	07/05/2001	Chang-Hoi Koo	678-700 (P9856)	4060

7590 01/03/2006

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,606

Applicant(s)

KOO ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2, 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Note: This office action has been restructured for clarity. Examiner did not change the ground of rejection; but has changed the argument of the rejection for clarity. The references Khan (Khan et al., US Publication 2001/0056,560) in view of Dorenbosch (Dorenbosch et al., US Patent 5,801,639) teach the limitations of the claim, and the Examiner shows (rejection bellow) that the references are related to the claimed limitations.

Applicant's arguments filed September 14, 2005 have been fully considered.

1. Arguments with respect to the drawings; the new replacement sheets are submitted, the drawings objection is withdrawn.
2. Arguments with respect to claims 4-11 are moot in view of indicating that they are allowable subject matter as stated in the previous office action (June 9, 2005).
3. Arguments with respect to objected claims 2-3 are moot in view of indicating that they are allowable subject matter as stated in the previous office action (June 9, 2005).

4. Applicant's arguments with respect to claim 1 under 35 U.S.C.103(a)

Rejection has been fully considered, but they are not persuasive.

The applicant's argued features in the claim 1 (page 2, and 4), i. e. "With regard to the rejections of independent claim 1", "Dorenbosch, as teaching *retransmitting as many times as the retransmission frequency*", "none of the sections of Dorenbosch cited by the Examiner appear to teach the message is retransmitted as many times as indicated by the retransmission frequency", and receiving data blocks retransmitted by the transmitter as many times as the retransmission frequency in response to the retransmission request message to be established read upon Khan (Khan et al., US Publication 2001/0056,560) in view of Dorenbosch (Dorenbosch et al., US Patent 5,801,639).

Khan discloses a method for retransmitting data in a mobile communication system, determining the error of the data block received, and the receiving data blocks retransmitted by the transmitter in response to the retransmission request message (*see rejection below*), however, Khan does not specifically teach "as many times as the retransmission frequency", Dorenbosch teaches in a related art dealing with retransmitting data in mobile communication system the retransmitting as many times as the retransmission frequency (*see for example, column 4, lines 54-59*).

Khan and Dorenbosch are both analogous to the applicants teaching, that's why they do obviate. The rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khan (Khan et al., US Publication 2001/0056,560) in view of Dorenbosch (Dorenbosch et al., US Patent 5,801,639).

Regarding claim 1, Khan discloses a method for retransmitting data in a mobile communication system (*see for example, Figure 3B, paragraph [0001], lines 1-5, [0003], lines 1-4, [0030], lines 1-15, data transmission in a mobile communication system*), comprising the steps of: determining whether an initial data block received from a transmitter has an error (*see for example, paragraph [0014], lines 1-18, [0037], lines 1-25, determining the error of the initial data block received*); estimating a current channel state and determining a retransmission frequency according to the estimated current channel state upon detecting an error in the initial data block (*see for example, paragraph [0014], lines 1-18,*

[0037], lines 1-25, detecting error in data block and estimating a channel state and determining retransmission frequency); transmitting a retransmission request message of the initial data block together with the determined retransmission frequency to the transmitter (see for example, paragraph [0014], lines 1-18, [0016], lines 1-19, [0036], lines 1-8, [0037], lines 1-25, transmission of retransmit message and determining retransmission frequency); determining whether the retransmitted data blocks have errors (see for example, paragraphs [0014], lines 1-18, [0015], lines 1-7, [0016], lines 1-19, and [0037], lines 1-25, determining the retransmitted data block errors); and providing the received data blocks to an upper layer upon failure to detect errors from the received data blocks (see for example, paragraph [0006], lines 1-18, [0037], lines 1-25, and [0045], lines 1-18, received data blocks and error detect).

Khan does not specifically teach “as many times as the retransmission frequency”, however, Khan teaches receiving data blocks retransmitted by the transmitter in response to the retransmission request message (see for example, paragraph [0015], lines 1-7, [0016], lines 1-19, [0037], lines 14-25, [0039], lines 1-12, the transmitter retransmits the received data block in response to retransmission request message);

In a related art dealing with retransmitting data in mobile communication system (see for example, column 1, lines 6-8, lines 40-48, and column 6, lines 35-46), Dorenbosch teaches retransmitting as many times as the retransmission frequency (see for example, column 4, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time invention was made to included Dorenbosch's reuse frequency with Khan's measurement based automatic retransmission request system to provide an Automatic Transmission Request mobile communication system "that can determine the level of noise interference experienced by a selective call transceiver prior to transmitting a message" (*Dorenbosch, column 1, lines 40-43*).

Allowable Subject Matter

6. Claims 4-11 are allowed.
7. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-276-7874. The examiner can normally be reached on 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NAY MAUNG
SUPERVISORY PATENT EXAMINER


Shaima Q. Aminzay
(Examiner)

Nay A. Maung
(SPE)
Art Unit 2684

December 19, 2005